

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



ATTY DKT. : BV3-109476-001
APPLICANT : Theodore R. Schlenker
SERIAL NO. : 09/817,368
FILED : March 21, 2001
FOR : Preparation of Permanent Magnet Motor Shaft

2834
#7/Election
a
9/18/02
Ex. T. Lam
A.U. 2834
Hawkins

Commissioner For Patents
Washington, D.C. 20231
Box Non-Fee Amendment

CERTIFICATE OF MAILING

The undersigned hereby certifies that this document has been forwarded via first class, postage prepaid mail to the Commissioner for Patents, Washington, D.C. 20231, Attn: Box Non-Fee Amendment, on Tuesday, September 3, 2002, the day after the Labor Day Holiday.

BENITA J. ROHM, REG. NO. 28,664

RESPONSE TO OFFICE ACTION
(RESTRICTION REQUIREMENT)

S I R :

In response to the Office Action of July 31, 2002, Applicants present the following response to the Examiner's restriction requirement:

In the Claims:

✓ Please cancel non-elected claims 1-9 and 13.

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REMARKS

Amendments are presented herein to improve the form of the subject application and in response to the Examiner's comments in the above-identified Office Action.

The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

RESPONSE TO OFFICE ACTION (RESTRICTION REQUIREMENT)

SN: 09/658,065; APPLICANT: Yu, *et al.*; FILED: September 8, 2000
EX. Kerns, O.; AU 1725; ATTY DOCKET: FR8-107410-008

II. Claims 10-12 drawn to a permanent magnet rotor structure classified in class 310, subclass 156.11.

According to the Examiner, the inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either (1) the process as claims can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP §806.05(e)). In this case, the method claimed in Group II is distinct from the apparatus as claimed in Group I.

The Examiner continues the comment by stating that "because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper."

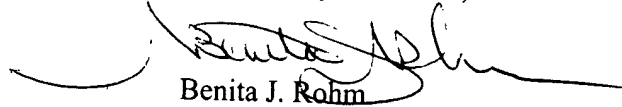
Applicants hereby elect to continue prosecution of the claims of Group II (claims 10-12), the present election being without prejudice and without traverse.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the present application, allow all of the elected claims, and pass the application for issue. If the Examiner believes that the prosecution of this case can be expedited by a telephone interview, the Examiner is requested to call attorney for Applicant at the telephone number indicated hereinbelow.

of counsel:

Miller, Canfield, Paddock & Stone

Respectfully submitted,



Benita J. Rohm

Reg. No. 28,664

Rohm & Monsanto, P.L.C.

660 Woodward Avenue, Suite 1525

Detroit, MI 48226

Telephone (313) 965-1976

Telecopier (313) 965-1951

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